



Honorable Chairman William Rice,
Special Counsel Todd Steckler,
Nelsonville Zoning Board of Appeals, and
Planning Board
Village of Nelsonville
258 Main Street
Nelsonville, NY 10516

April 16, 2018

RE: Application by Homeland Towers, LLC for a Special Use Permit to Construct a
Telecommunications Facility at 15 Rockledge Rd., Nelsonville, NY

Dear Honorable Chairman Rice,
Special Counsel Todd Steckler,
Members of the Zoning Board of Appeals, and
Planning Board

Philipstown Cell Solutions (hereinafter "PCS") submits the following in reply to: the March 5, 2018 Alternate Design Application submitted by Robert Gaudio of Snyder & Snyder, LLP, as attorneys for Homeland Towers LLC, and New York SMSA Limited Partnership d/b/a Verizon Wireless (hereinafter referred to as "Homeland", "Verizon" or the "Applicant" individually, or the "Applicants" collectively); the February 20, 2018 letter submitted on behalf of New Cingular Wireless PCS LLC (hereinafter "AT&T", the "Applicant" or the "Applicants") by Cuddy & Feder LLP; the March 9, 2018 Technical Memo re: Alternate Designs, submitted by AKRF consultants; the February 16, 2018 letter submitted by the Village's consulting engineer Ronald Graiff, P.E.; the March 26, 2018 Alternate Towers Photos Memo submitted by Snyder & Snyder, LLP; the March 30, 2018 AKRF Technical Memo; the March 27, 2018 letter sent from the Nelsonville Zoning Board of Appeals (hereinafter the "Board") to the New York State Historic Preservation Office (hereinafter "SHPO"); and, all supplemental and supporting documentation contained therein.

Preliminary Statement

PCS submits the following in opposition to the proposed alternate tower designs put forth by the Applicants in their recent submissions, as well as in contemplation of additional alternatives raised within the course of the instant proceeding so far as they impact said proposed design alternatives. The following should not be viewed as an admission by PCS that the Applicant has established and demonstrated the requisite need for the proposed facility as required in the Nelsonville Zoning Code (hereinafter the "Code") or under federal law. Rather, PCS maintains that the Applicants have failed in their burden to demonstrate

such an actual need, and the following should be read as to support an argument in the alternative. Should the Board find the Applicants have established said need, which PCS does not admit but in fact denies, the following submission supports a finding that the Applicants have failed in their burden to reduce the negative aesthetic and/or visual impact of the proposed design alternatives upon identified historic and/or scenic resources to the requisite level of insignificance.

Whereupon the following submission discusses matters presumed to be outside the scope of the review of the proposed alternate designs, such discussion should in the interests of justice be duly considered by the Board as a proper exercise of its discretion and mandate and viewed as relevant to the alternative design discussion and incorporated into the record as such. Such consideration is allowed, and in fact encouraged under existing law and the Board's mandate.¹

Further, some submissions made by the Applicants subsequent to the close of the public hearing on matters outside the review of the alternate designs, have been inaccurate, argumentative and contradictory, and PCS merely seeks to correct the record on these points, and shall limit any such discussion to issues as they impact the proposed design alternatives. PCS does not intend to re-canvass broad issues previously discussed and refrains from doing so herein.

The Applicants' Proposed Design Alternatives

In response to concerns raised by PCS and its scenic resource consultant-experts, the Board and the community at large, the Applicants have proposed a number of tower design alternatives including: 1) a single 110 foot flagpole; 2) a 125 foot obelisk; 3) two 110 foot flagpoles; and, 4) a single 120 foot flagpole. PCS opposes each of these design alternatives and submits that none of these proposed design alternatives meet the requisite standard under the Code to minimize the negative impact on historic and/or scenic resources to a level of insignificance. Further, these designs violate the conditions required under the Code in various respects, and have been determined by SHPO to have an "Adverse Effect" upon nearby "historic receptors" in their March 14, 2018 correspondence. As the record shows, all proposals with the exception of a 110 foot flagpole have, in fact, been verbally dismissed and described as "off the table" by the Applicants before the Board at the April 4, 2018 public hearing (hereinafter the "4/4 hearing"). Although they are seemingly no longer being

¹ See, *Kenyon v. Quinones*, 43 A.D.2d 125, (App. Div., 4th, 1973). "... many Zoning Board hearings consist of a miscellany of hearsay, opinion, fact and conjecture, with the testimony unsworn and informality quite prevalent, and such factors do not destroy the validity of the proceedings (2 Anderson, N. Y. Zoning Law and Practice [2d ed.], § 20.14, p. 143; *Matter of Von Kohorn v. Morrell*, 9 N Y 2d 27, 32; *People ex rel. Fordham Manor Ref. Church v. Walsh*, 244 N. Y. 280, 287). The statements of witnesses need not be reported verbatim and may be in narrative form (*Matter of Hunter v. Board of Appeals of Vil. of Saddle Rock*, 4 A D 2d 961) and ***the Zoning Board of Appeals is not bound by rules of evidence*** (2 Anderson, § 20.14, supra). (Emphasis added).

See also, *New York State Department of State, Zoning Board of Appeals Manual, ZBAM [2015]*, page 31: "It is the function of the board of zoning appeals to listen to and ***consider all evidence that may bear upon the issue it is deciding.***" (Emphasis added).

considered, the Applicant's last written submission included all of the alternate designs. PCS therefore submits the following in further opposition to all proposed design alternatives.

1) ONE 110 FOOT FLAGPOLE

PCS submits that the Applicants' alternate proposal of a single 110 foot flagpole should be rejected by the Board for a number of reasons. First, this late proposal has been put before the Board in the absence of any substantial evidence supporting its feasibility and in direct contradiction to statements made by the Applicants and their experts on the record. Second, the proposal remains discordant with the natural setting and its negative visual impact has not been reduced to a level of insignificance as required by the Code. Further, and as is more fully detailed in the final section of this submission, the single 110 foot flagpole design alternative will become an anomalous feature in the landscape amounting to little more than a discordant eyesore, and will serve to establish a dangerous precedent making it difficult for this community and many others within the Hudson River SASS region to have much control over future telecommunications tower siting. PCS further submits that this alternate proposal should be rejected by the Board on the basis of the arguments and case law contained in our April 4, 2018 Memorandum on Alternate Design Proposal, which we incorporate and make a part hereof.

The Board should consider that the bulk of the substantial evidence on the record supports a finding that a single 110 foot flagpole is not capable of the co-location requirement under the Code. Indeed, the Applicant and its RF engineering experts have stated repeatedly on the record that a single 110 flagpole is not a viable option for this application. In addition, the Applicants' counsel stated with much emphasis and vociferousness at the February 27, 2018 public hearing (hereinafter the "2/27 hearing"), that this alternate design was not practicable. Consider the following statements:

"We can't comply with that [co-location] provision with one flagpole at 110 feet ... because the reality is, there's four carriers out there. Okay. We can put our blinders on, but you're not the Planning Board. You're the Zoning Board, your Code has a specific provision to take into account two more carriers." - Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 42:00.

"So at 110 feet, if you have Verizon at 110 to 100, and then AT&T at 100 to 90, the next two slots are from 90 to 80, and then from 80 to 70. 80 to 70 is definitely not going to work. 90 to 80 is most likely not gonna work. Okay. And we can speculate. You can say that's speculation, but that's the reality, and we know that because we're in the business. So what we offered was to actually spend more money and build two towers." Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 42:27.

Consider also, the submissions made by the Applicants' own RF consultant regarding co-locating four carriers on a 110 foot pole:

"In regard to the potential for AT&T using one level of a potential 'flagpole' style facility, AT&T would require at least two levels and ten ("10") feet of separation

for its antenna arrays. While an installation at one level may be technically possible ... such a configuration imposes significant limitations for operation, maintenance and optimization ... While the engineering may be feasible, it is far from optimal in this case and in fact involves significant compromises that will impact the ability of the site to provide reliable service now and in the long-term.” Daniel Penesso, RF Consultant for Applicant AT&T, February 20, 2018 Letter to the Board.

“The flagpole design ... places a large amount of equipment in an extremely tight space. Since the amount of extra space is limited, it is very difficult to modify the equipment after it has been installed ... This causes the site to not function as optimally as it should ... If a flagpole design was to be used in this area, certain criteria would need to be met to accomplish the goals of remedying the significant gap in coverage. ... In summary, in order for a flagpole design to work, two flagpoles at 110’ would be needed...” Adam Feehan, RF Consultant for Applicant Verizon, February 5, 2018 Letter to the Board.

Accordingly, up until the 4/4 hearing before the Board, the Applicants, supported by submissions of their RF consultant experts and exclamations by their legal counsel, maintained that a single 110 foot flagpole was not a viable design option. These submissions are part of the record and form the basis of the Applicants’ substantial evidence on this issue. In a sudden and unexplained about-face, however, the Applicants appeared before the Board at the 4/4 hearing to state the opposite. Consider the contradictory statements made by Applicants’ counsel:

“We went back to the engineers and we added the single 110 foot flagpole ... and the single 110 foot flagpole can be designed and will be designed to support four co-locators ...” - Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 4/4/18, @ 18:00.

“We can make the one flagpole work. I’m not really sure what the benefit of the two flagpoles is.” Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 26:20.

These statements are in direct contradiction to those made previously by the Applicant and are unsupported by any substantial evidence. Indeed, the Applicant has failed to offer any explanation from their RF consultants to illuminate how their prior submissions on this issue were incorrect. All the Board has before it are the vague and conclusory statements made by the Applicants’ counsel. Counsel for the Applicant has made multiple contradictory claims throughout this proceeding, many unsupported by substantial evidence or legal authority of any kind, the Board must view the Applicants’ last minute and unsupported proposal for a single 110 foot flagpole with the utmost scrutiny and suspicion. Indeed, it would seem from a complete review of the record that perhaps the Applicant is satisfied to secure approval of a single 110 foot flagpole rather than face rejection of all of its design proposals, with the knowledge that in time they will return before the Board to exclaim an actual need for a second flagpole at 110 feet, which they had previously maintained is the only viable flagpole design at this height. Statements made by Applicants’ counsel before the Board at the 4/4 hearing support such a finding:

“ We could also build the one flagpole at 110 feet and reserve space inside the compound that if in the future you were faced with the dilemma that you had to

approve a second flagpole, we would lay out the compound to account for that.” Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 4/4/18, @ 26:40.

“A second flagpole could be built at a later date.” Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 4/4/18, @ 27:08.²

In addition to scrutinizing the Applicants’ vague and contradictory submissions regarding the single 110 foot flagpole design, the Board should also consider the negative visual impact that even this design will have on the scenic and historic resources in the vicinity and beyond. Even if the Board considers that this design alternative has the “least negative visual impact” of all the designs proposed by the Applicant, it still remains that this design imposes a negative visual impact that has not been reduced to insignificance as required under the Code.

As one expert explained: the “landscape is a unified environment with the treeline creating a horizontal line in the sky. Each of these [alternate design proposals] stands significantly above the existing treeline.” See, April 16, 2018 Letter Submitted by Landscape Architect Erin Muir, Attached at Exhibit ‘A’. Further, “none of the proposed alternatives serve to reduce the visual impact of the proposed artificial structure within the Rural Cemetery/surrounding landscape.” See, April 15, 2018 SUNY Report, Submitted by Dr. Robin Hoffman and Mr. Connor Neville Directly to the Board. Most significantly, as the SUNY expert explains: “the constraints which determine the visual and aesthetic impact of a proposed structure are foundationally based upon the context into which the structure is to be placed, not based solely upon the tower’s ability to camouflage or by the façade design itself.” *Ibid*. As was implied on the record by the Planning Board Member at the 4/4 hearing, flagpoles are not typically found in the woods, and thus the discordancy of and intrusiveness of the flagpole design may in fact remain as significant, if not more so, than the original monopine design itself.

Finally, Applicants’ counsel stated on the record at the 4/4 hearing that if the alternate design proposals do not meet the standard under the Code for reducing the visual impact to a level of insignificance, then “it’s an impossible standard to meet.” (Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 4/4/18, @ 32:30). PCS submits that just because the Applicant has failed to meet its burden with respect to its design proposals, does not mean that the burden itself is incapable of being met. The Board should consider, for example, the cell facility design which has been incorporated into the redesigned Butterfield Project cupola. PCS has attached an attorney Affirmation herein which includes those design plans. A review of that design, and others like it, shows that such visually insignificant designs are in fact possible. Anyone viewing the Butterfield Project cupola, from near or far, would have no idea that it housed a cell phone telecommunications facility. Clearly, designs that reduce visual impact to a level of insignificance exist, just not among those proposed by the Applicant.

² An interesting and ironic point to note in reviewing the video of the 4/4/ hearing at this juncture, is that the Chairman of the Planning Board’s cell phone appears to ring at around the 27:00 mark in spite of the fact that the Haldane Auditorium is located in the heart of the purported gap in in-building coverage that the Applicant has claimed as supporting their need for the proposed facility.

2) THE 125 FOOT OBELISK

PCS submits that the 125 foot obelisk alternative design should be rejected by the Board for a number of reasons. First, at a proposed height of 125 feet, it is the most imposing of all designs yet submitted by the applicant, the most discordant with the natural features and scenic resources in the immediate vicinity and from within the wider SASS region as a whole, as well as the most non-conforming design with respect to the height limitations under the Code and the general provision therein that any telecommunications tower's impact on historic and/or scenic resources be reduced to a level of insignificance. Indeed, where the issues of concern raised by the community and the Board alike have largely pertained to the original design's prominence and visual impact on those resources, it is mystifying that the Applicants would propose a design alternative that imposes an even greater visual impact, not a less significant one. The obelisk design thus imposes a visual impact that is of greater significance than the original design and further fails to reduce that impact to a level of insignificance as required under the Code.

As recently noted by some residents in our community, unfortunately the obelisk has come to stand as a symbol of racism, white supremacy and the Confederate States' fight to preserve slavery and commemorate that fight against the northern states in the Civil War. Indeed, the obelisk has recently been associated with these dark chapters of our nation's past, and communities across the country have increasingly issued calls for such monuments to be dismantled and removed. (See, News Articles Describing Fights to Remove Confederate Obelisk Monuments, Attached at Exhibit 'B'). Our research indicates that nearly one third of all Confederate monuments built following the Civil War took the form of obelisks, and approximately half of those monuments were erected in cemeteries.³ These controversial monuments were not exclusively erected in the more sympathetic areas of the southern states, but have rather been found across the country and indeed even in close proximity to the site of the proposed tower in this application.⁴

It is not an unknown fact that sadly, this very community had an active and prominent Ku Klux Klan membership well into the 20th Century. (See, Copy of the August 25, 2017 Highlands Current Article on Local KKK Activity, Attached at Exhibit 'C'). In fact, there are reports of active KKK activity in Cold Spring and Nelsonville until at least the 1950s,⁵ with some reports even indicating activity into the 1970s.⁶ With such a disturbing part of our local history on the minds of many in this community, and in the midst of the broader national conversation to reconsider the symbolism and impact of monuments such as the obelisk and the evil and discord they represent, that such a monument stands on the verge of approval in this application should shock our collective conscience. We were not aware of the dark symbolism that is entwined with the obelisk when its design for this application was

³ See, Widener, Ralph W., Confederate Monuments: Enduring Symbols of the South and the War Between the States, Andromeda Associates, 1982.

⁴ See, <https://www.lohud.com/story/news/2017/08/18/confederate-veterans-cemetery-monument-hastings-on-hudson-greenburgh-draws-concerns/575772001/>

⁵ See, Burton, Leonora, Lament of an Expat: How I Discovered America and Tried to Mend It, AuthorHouse, 2013.

⁶ See, http://www.kimandreggie.com/steal_cd.htm

conceived, and further that it stood to stir memories of a troubled past in our own community. Unfortunately, we have heard from our community members that this is precisely what this design alternative, however well-intentioned, has inadvertently achieved, and for that reason alone it must be rejected with prejudice by the Board.

3) TWO 110 FOOT FLAGPOLES

Pursuant to §188-68.A.(11)(d), the Applicants are required to site the proposed tower in such a manner as to “minimize the total number of towers ... to the extent possible within the limits of technology and economic feasibility.” Pursuant to §188-71.D.(3), the Applicants are further required to site the proposed tower in such a manner as to ensure that it “shall not be placed closer than 500 feet to any existing commercial communications tower.” On its face, the Applicants’ proposed design alternative to construct two 110 foot flagpoles at the proposed location is in conflict with the requirements under these sections of the Code. PCS submits that for this reason alone, rejection of this proposal is warranted. Denial of this proposal is further supported by the Applicant themselves having stated on the record that “...we can make the one (110 foot) flagpole work. I’m not really sure what the benefit of two flagpoles is.” (Robert Gaudio, counsel for the Applicants @ 26:20 of the April 4, 2018 public hearing -

<https://drive.google.com/file/d/1ndGnytKqg6yhQM8CcHATS0u2nR87kw30/view>).

Accordingly, even the Applicant has conceded on the record that given the primacy of the aesthetic concerns raised in this application, the two flagpole alternative is far from an optimal design and does not merit serious consideration.

Namely, case law supports a finding that where aesthetic concerns are paramount, as with the instant application, even “stealth” flagpole designs may be properly rejected by a Board where not “architecturally compatible with the surrounding area and ... not sufficiently screened from view.” See, *Cellular South Real Estate, Inc. v. City of Mobile*, 2016, U.S. Dist. LEXIS, 88444. PCS submits that the two flagpole design alternative will inherently be more visible, constitutes a higher level of intrusiveness than any single tower design and compounds the significance of the negative visual impact and thus must be rejected by the Board.

4) ONE 120 FOOT FLAGPOLE

Pursuant to §188-71.D.(6), the Applicants are required to construct the proposed tower in such a manner as to ensure the “maximum height ... is 110 feet above ground elevation. In all cases, the permissible height is measured from ground elevation to the top of any antenna projecting above the top of the tower.” On its face, the Applicants’ proposed design alternative to construct one 120 foot flagpole at the proposed location is in conflict with the requirements under this section of the Code. PCS submits that for this reason alone, rejection of this proposal is warranted. Further, the Code clearly requires that the maximum permissible height is measured from the ground level to the top of **any** antenna projecting above the top of the tower, including any “whip” antenna to accommodate emergency services or other such communications capability. That the Applicants have suggested any

such emergency “whip” antenna would be added *to* a 120 foot flagpole tower, compounds the violation of this Code provision. Accordingly, the Board must reject this design alternative.

In addition to being violative of the Code, the single 120 foot flagpole alternative has effectively been rejected by SHPO, given the conditions found in its March 14, 2018 letter, stating that any tower design at this location must be capped at 110 feet to not result in an “Adverse Effect” finding. Accordingly, the Board must also reject this design alternative. Denial of this proposal is further supported by the Applicant themselves having stated on the record that “the 120 foot flagpole in our opinion is no longer feasible based on SHPO’s opposition.” (Robert Gaudioso, counsel for the Applicants @ 15:20 of the April 4, 2018 public hearing -

<https://drive.google.com/file/d/1ndGnytKqg6yhQM8CcHATS0u2nR87kw30/view>).

Accordingly, even the Applicant has conceded on the record that given the primacy of the aesthetic concerns raised in this application, the single 120 foot flagpole alternative does not merit further consideration.

PCS further submits that this alternate proposal should be rejected by the Board on the basis of the arguments contained in our April 4, 2018 Memorandum on Alternate Design Proposal, which we incorporate and make a part hereto. Namely, case law supports a finding that where aesthetic concerns are paramount, as with the instant application, even “stealth” flagpole designs may be properly rejected by a Board where not “architecturally compatible with the surrounding area and ... not sufficiently screened from view.” See, *Cellular South Real Estate, Inc. v. City of Mobile*, 2016, U.S. Dist. LEXIS, 88444. PCS submits that the single 120 foot flagpole design alternative will inherently be more visible, constitutes a higher level of intrusiveness than the original tower design and compounds the significance of the negative visual impact and thus must be rejected by the Board.

5) CONCLUSION

As representatives of our community, we’ve spent the last few weeks canvassing our neighbors about these alternate designs. Overwhelmingly, the designs have met as much resistance as the original monopine proposal. Any looming structure at 110 feet would destroy the sanctity and beauty of this historic cemetery, and destroy this important view shed forever. PCS strenuously urges the Board to listen to the overwhelming collective voice of this community, supported by this opposition and the substantial evidence therein, and to deny the alternate design proposals on the Rock Ledge location.

Other Alternatives Not Pursued in Good Faith by the Applicant

PCS submits that there remain a number of other alternate designs and locations that the Applicant has failed to pursue in good faith. These alternatives remain viable and would be fully compliant with the Code where applicable. PCS submits that a proper and good faith evaluation of these alternate designs and sites would eliminate the purported need for the subject facility and/or reduce any negative visual impact on cultural, historic and/or scenic

resources to the requisite level of insignificance as applicable, and in all respects would be preferable alternatives to those proposed by the Applicants.

1) The Butterfield Project Site

PCS made various submissions regarding the Butterfield project site (hereinafter the “Project”) as an alternative location for the proposed facility in its February 20, 2018 Memorandum in Opposition. Principally, it was submitted that the Applicant had made a number of statements and submissions on the record indicating that the need for the proposed facility at Rockledge Road was directly the result of the loss of the cell phone telecommunications facility at the decommissioned Butterfield Hospital site. At the February 27, 2018 public hearing (hereinafter the “2/27 hearing”), the Applicants made various statements in reply to these submissions. PCS submits that the bulk of these statements made by the Applicant were inaccurate, contradictory, or argumentative and raise serious questions regarding the credibility of the Applicants and the veracity of their entire application, including with regard to its latest submissions on proposed design alternatives.

To their credit, at the 2/27 hearing, the Board pressed the Applicants’ legal counsel, Robert Gaudioso, on the issue of potentially siting the proposed facility, or a facility in general, at the Project site. In response, counsel for the Applicant became argumentative and stated:

“...this is the exact purpose of the ‘Shot Clock’ ... to not allow things to go on forever ... We’re not going to go on a wild goose chase over this issue. If the issue is that you think somehow the cupola will work, and it’s somehow not speculative, we’ll take a decision today on that basis. We are willing to talk to you about the alternative analysis and what we can do as far as the visuals and with respect to design ... we’re happy to go through the items we submitted as far as the designs and go in that direction.” - Robert Gaudioso, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 28:08.

Thus, rather than engage in a sincere and good faith conversation on the merits of the Project alternative, the Applicant chose instead to threaten enforcement of the ‘Shot Clock’ and intimidate the Board, making it clear that there was no interest on the part of the Applicant in even discussing design or location alternatives other than those of its own choosing.

It should also be noted that the federal ‘Shot Clock’ provision is not in fact meant to prevent things from going “on forever”, but rather to prevent a local zoning board from engaging in *unreasonable* delay. Can raising a legitimate and viable alternative, that the Applicants’ themselves had indicated in submissions to the Board had formed the basis of the application itself, truly be considered unreasonable? It should be noted that at the 2/27 hearing the Board’s own RF consultant suggested that consideration of the Project site might warrant further inquiry when he stated, “you talked about potential alternate siting that may warrant further study, you talked about Butterfield.” – Ron Graiff, Village RF Consultant, before the Nelsonville Zoning Board of Appeals, 2/27/18 @ 31:25. Therefore, the Board’s sincere inquiry into the Project site is not unreasonable and should not be viewed as a basis to merit imposition of the ‘Shot Clock’.

In addition to becoming argumentative in response to the Board's raising the Project alternative, the Applicant also made a number of contradictory statements that warrant closer scrutiny. For example, with respect to the impact of the loss of the Butterfield Hospital site on the purported need for the subject facility, counsel for the Applicant made the following statements:

"Butterfield is not the solution that's going to solve Nelsonville." - Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 37:08.

"It was a nice little site for AT&T for a while to provide some downtown service. But it's not going to provide the service throughout the area." Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 37:10.

"Butterfield was covering a little small area, and this is going to cover the full village." Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 37:45.

"If you read the opposition quotes ... never once in any of the quotes, even the quotes cited by PCS, does it say that Butterfield, that the coverage from this facility was going to duplicate Butterfield. Never once did it say that." - Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 26:15.

"If you look at, again, even PCS' 'hand-picked' quotes, never once does it say ... that the coverage from Rockledge will duplicate Butterfield's coverage. It never says that. Never once. Not even close." Robert Gaudio, Snyder & Snyder, LLP, Counsel for the Applicant, before the Nelsonville Zoning Board of Appeals, 2/27/18, @ 37:30.

First, in response to the Applicants' implication that PCS somehow selectively "hand-picked" quotes from the record in an effort to mislead the Board or not offer a complete picture of this issue, it must be said that the only thing selective about the quotes the Applicant is referring to, is that each and every quote that could be found in the record going back to the initial application on this issue was selected for presentation to the Board. PCS welcomes the Applicant to point to other quotes or submissions that they may have made to the Board in the course of this proceeding that indicate anything other than what the quotes in question clearly state: that the basis for the instant application was the loss of the Butterfield Hospital cell phone telecommunication facility, and that the proposed site at Rockledge will offer similar coverage to that which was lost as a result of the decommissioning of the Butterfield Hospital site.

Second, the various statements made by the Applicant that the former Butterfield site was a "nice little" facility offering some "downtown coverage," stand in stark contrast to the statements made by the Applicant and their RF engineering consultants on the record in support of the instant application and as justification for the actual need requirement under the Code for the proposed facility. One such statement in particular, quoted in PCS' previously-noted memorandum, bears reconsideration. In the initial application, the Applicants' RF consultant stated:

“Based upon these tests, a propagation map illustrating **AT&T’s coverage without its equipment at the Hospital Facility** is attached as Exhibit 1. As the propagation map in Exhibit 1 clearly demonstrates, **there is a significant gap in service** in the portion of the Village in the vicinity of the Site and the surrounding areas **without the Hospital Facility.**” – Daniel Penesso, RF Consultant for Applicant AT&T. (See, Copy of Propagation Map, Attached at Exhibit ‘D’).

A review of this propagation map clearly shows that the Applicant was claiming at the outset of this Application that the loss of the old Butterfield Hospital site resulted in a wide area of coverage loss. Certainly, these submissions by the Applicant indicate that the coverage lost was not limited to a “nice little” area of “some downtown” coverage that the Applicant would now contradictorily have us believe. If the coverage loss was in fact so minimal and insignificant as the Applicant exclaimed vociferously at the 2/27 hearing, why was the opposite stated to be the case at the outset of this application and throughout the proceeding up until the moment such a position became inconvenient to the Applicant? If in fact the coverage loss and resulting coverage gap from the defunct Butterfield Hospital site had been so minimal, the Applicant would never have mentioned it as forming the basis for the instant application as it would not have justified the requisite need under the Code and federal law. In fact, the Applicant has made no mention throughout this proceeding of any other cause for the coverage gap that now purportedly exists other than the loss of the Butterfield Hospital site. Yet now when challenged on this issue, the Applicant reverses course and effectively attempts to argue that the former cell site at the Butterfield Hospital was of little significance, in spite of the record showing clearly the repeated and emphatic statements of the Applicant to the contrary. This conduct shows clear enough that at best this application has been a moving target, that the Applicants and their submissions are not credible and that the Applicants have not acted in good faith throughout this proceeding.

The Applicant was correct, however, to state that no quote could be found in the record that indicated the coverage at Rockledge would “duplicate” that of the previous Butterfield Hospital site. The Applicant engages in hyperbole, however, to state that nothing in the record even “came close.” Consider for example the assertion by the Applicant’s RF consultant that the: “15 Rockledge Road Facility will allow AT&T to provide reliable wireless service in the Target Area, *similar to that provided* by AT&T’s installation on the Hospital Facility *and thus work in conjunction* with AT&T’s existing network.”– Daniel Penesso, RF Consultant for Applicant AT&T, initial RF Analysis Report. While this statement fails to use the word “duplicate,” it certainly gives the impression that the proposed facility will offer sufficient coverage to effectively accomplish the Applicants’ service goals as were being achieved with the previous Butterfield facility. When one considers this statement in conjunction with the previous noted statements made by the Applicant concerning the need for the new facility being the result of the loss of Butterfield, the only reasonable interpretation can be that essentially the same level of coverage as was had before will be achieved with the proposed facility. PCS welcomes the Applicant to clarify these statements if there is a more reasonable interpretation to be had, and if this was not in fact the interpretation that they sought to put before the Board. Again, that the Applicant chooses to disingenuously engage in contradiction on these points shows their contempt for the Board and this process, and their application as a whole must be viewed in this light.

Finally, in an effort to dismissively brush the whole issue of potentially siting a telecommunications facility at the Project site aside, counsel for the Applicant suggested at the 2/27 hearing that any reference to the site was hearsay and not properly before the Board. Interestingly, counsel for the Applicant then proceeded to engage in lengthy statements pertaining to conversations and actions undertaken by third parties that were in themselves properly considered hearsay. Regardless, as is indicated above, zoning boards of appeal are not bound by the rules of evidence, and a Board's consideration of hearsay evidence does not "destroy the validity of the proceedings." *Supra*. Further, as indicated herein, a board's function is to properly listen to and consider all the evidence that might bear upon the matter before it. Accordingly, attached to this memorandum is an attorney Affirmation prepared by the undersigned as a witness statement to the Cold Spring Historic District Review Board (hereinafter "HDRB") public meeting on February 14, 2018, wherein the proposal to revert the Project plans to accommodate a cell phone telecommunications facility was discussed and approved. (See, Attorney Affirmation, Attached at Exhibit 'E'). In addition, draft minutes of said meeting are also attached, indicating same. (See, Draft HDRB Minutes from February 14, 2018 Public Meeting, Attached at Exhibit 'F').

As is detailed in the Affirmation, the discussion between the HDRB members and the Project developer's agents surrounded the redesign of the Project's Building 3 cupola to accommodate two wireless telecommunications carriers as a result of the developer having been approached by same, and that according to the developer's agents the cell facility was "back in play." Further, the Affirmation discusses the developer's agents explaining the anticipated construction schedule of the project, and includes photographs of the Project site that support these claims. Accordingly, PCS submits that contrary to the Applicants' unsupported and conclusory statements on this issue, the Project site remains a viable and available alternate location for siting the proposed facility.

It should be further noted that the Applicant has failed to provide any documentation or substantiation of its claims that it had attempted to negotiate an arrangement with the Project developer to locate a cell facility there. The Board should note that in almost every other potential location that the Applicant investigated, some statement was provided in the form of various "Alternate Site Analyses" submitted throughout the course of this proceeding. Yet no mention was ever made by the Applicant of any investigation into the Project site until PCS raised its potential viability in the February 20, 2018 filing. In response, rather than engage in a good faith effort and/or provide the documentation and substantiation as provided with other locations, the Applicant merely resorted to defensive, dismissive and argumentative statements before the Board at the 2/27 hearing. PCS submits that the Applicant's record for credibility and veracity is sufficiently suspect that an adverse inference should be drawn from the Applicant's evasiveness with respect to legitimately pursuing the Project site.

2) CHURCH STEEPLES AND OTHER TALL STRUCTURES

Given that the Applicant has come forward with alternate design proposals that require the housing of telecommunications antenna within exceptionally narrow confines (i.e., 3 foot diameter flagpoles) a reconsideration of area church steeples and other tall structures should be undertaken. For example, the principal objection by the Applicant to area church steeples, most notably the Cold Spring Baptist Church, was the narrow confines of such structures.

Indeed, the Cold Spring Baptist Church was rejected in part, in spite of the willingness of the Pastor there to lease to the Applicant, due to the four foot diameter of its steeple. Yet, the Applicant seems perfectly willing now to house a cell phone telecommunications facility in an even narrower space. Thus, PCS submits that in light of the foregoing and the tendency of the Applicant to engage in unsupported, vague and conclusory assertions on issues it is not interested in pursuing, the Board should insist upon a re-evaluation of the viability of church steeples and other tall structures in the area.

The Inappropriateness of the Flagpole Design and Impact of Approval

PCS submits that the proposed flagpole design alternatives are highly discordant with the natural features at the proposed location and will have just as much of a negative visual impact as the original design. Indeed, disembodied flagpoles are not found in the woods. Even Sabre Industries, the Applicants' sub-contractor for tower construction, indicates on their website that flagpole designs are typically "used in urban areas." See, Copy of Sabre Industries Website Information on Concealment Alternatives, Attached at Exhibit 'G'. A survey of similar flagpole cell tower designs in our area, finds that the vast majority are indeed located in urban areas, principally around the strip malls and car dealerships along Route 9 from Fishkill to Poughkeepsie. See, Photographs of Examples of Flagpole Cell Towers Along Route 9, Attached at Exhibit 'H'. Of particular note should be the flagpole tower located at 1895 South Rd, in Poughkeepsie. Exhibit 'H'.

This flagpole tower displays a number of antennas and cables on its exterior, compounding its aesthetic intrusiveness and appearance as an eyesore. Can we know for certain that the proposed flagpole will not also at some point in the future come to exhibit such ugly features? We do know from the Applicants' own submissions that flagpole designs are inherently troublesome with limited space and compromised operability. Indeed, up until very recently the Applicant was maintaining that co-locating four carriers on a single 110 foot flagpole was impossible. Now, the Board is called upon to disregard those submissions, in spite of being supported by engineering testimony, to instead rely merely on vague and conclusory statements by the Applicants' counsel that such problems will not in the end materialize. Considering the contradictions presented in this application, the community has a justifiable concern that the possibility exists that any flagpole tower proposed for Rockledge could end up looking like the one in the above-noted photos, if not worse.

Many in our community have chosen to live here, precisely because this small area is unique in its aesthetic character and natural environment. Not to take away from our neighbours in Fishkill and Poughkeepsie, but the residents of Nelsonville do not want to be reminded of car dealerships and strip malls when we look upon our landscape and in particular places of national and historic significance. Unfortunately, the flagpole design proposals will serve to head Nelsonville in that direction, and should be rejected by the Board. These design proposals are not in keeping with the nature and character of our precious landscape.

The Applicants argue that because examples of flagpole cell towers in or around cemeteries may exist, that it is a perfectly acceptable and visually insignificant design proposal. As one such example, the Applicant referred to a flagpole tower located in a Westchester cemetery. See, Photos of Mount Eden Cemetery Flagpole Cell Tower, Attached at Exhibit 'I'. These photographs show that the flagpole cell tower design is a discordant feature when set within a natural setting such as a cemetery. Comparing how such designs fit within the strip mall

landscape referred to above, it is clear that flagpole designs are much less suited to blending in with trees than they are in a purely urban setting. Furthermore, the key distinction between urban/suburban/exurban cemetery locations, and the location at issue in this application, is that the Cold Spring Rural Cemetery (hereinafter the “Cemetery”) has a unique rural character in a natural setting that would be irrevocably and detrimentally impacted were a cell tower facility of this design to be located there. As Liz Campbell Kelly so clearly explained in her January 9, 2018 letter to the Board, there are particular design features incorporated into the natural landscape that make rural cemeteries precious historic, cultural and scenic resources that must be preserved. Placing a discordant cell tower in the guise of a flagpole on the sensitive ridgeline that is the essence of the Cemetery’s key design feature, will strike at the heart of its very purpose and completely undermine its aesthetic import. In short, a flagpole cell tower in the proposed location will destroy the beauty of this landmark.

In addition to the aesthetic significance of the Cemetery, it is worth considering momentarily the cultural heritage it represents for this community. A number of figures of local, state-wide and even national prominence are interred here. See, List of Prominent Figures Interred at the Cold Spring Rural Cemetery, Attached at Exhibit ‘J’. As a community, we have been entrusted with the care and preservation of his final resting place, not only for those who are buried there, but also for the generations to come who will want to fully experience its serenity, find peace there and embrace its heritage. Why risk marring and desecrating this sacred space? For what purpose? So a self-interested and profit-motivated telecommunications corporation can erect a monument to its own greed and disregard for the communities they purport to serve? PCS has maintained from the outset that this community is willing to work with and accommodate the Applicant in finding an appropriate solution to remedy its purported coverage gap. There remain viable alternative locations and designs that could be pursued by the Applicant that would still work for them and not impose such an aesthetic and cultural affront to this community. Our community believes that the price of approval of this application is much too high, and that such action will stand as a marker to the loss of what once made our community such a special place.

We ask the Board to consider the long-term implications of approval of the flagpole design alternative. In addition to the essence and character of this community being forever changed to its detriment, Nelsonville will frankly end up with little more than an eyesore. Such an example can be found near Camp Smith National Guard Base in Cortlandt, NY. This also happens to be the flagpole cell tower in closest proximity to the proposed facility. With its weathered and discoloured upper portion and peeling paint below, this tower might best be described as grotesque. Presumably, it has taken on such a displeasing appearance that even the flying of the American flag during daytime hours is seen as disrespectful. See, Photos of Camp Smith Flagpole Cell Tower at Exhibit ‘K’. Regardless of the Applicants’ assurances, at some point in the future, this is an example of what this community will end up with if the instant application is approved. The Applicant may make assurances and promises to the contrary, that maintenance of the facility can be assured, etc., but frankly there is no way to know for certain. Moreover, given the Applicants’ proclivity for making contradictory statements and generally engaging in conduct that calls their credibility into question, makes such assurances anything but guaranteed.

Conclusion

PCS requests that before taking its decision on the instant application, the Board reflect upon the monumental effort put forth by this community in its united and steadfast opposition to this proposal. We are your neighbours, friends and colleagues. We know that you share the same love and affection for this community that all of us have. We do not envy the difficulty of the position you find yourselves in, and we extend to you our sincerest gratitude and appreciation for all the work you have put into this long and challenging process.

If at times throughout this proceeding it appeared to you as though the community did not support you in your role as decision-makers here, please know that nothing could be further from the truth. The reality is that we have done our utmost to provide you with the tools necessary to do what is right for the preservation of this community in denying this application. In that respect, we have offered you all the support we could possibly muster.

PCS has a number of attorneys involved in this opposition effort, and many hours have been spent pouring over court decisions, media reports and other sources. It must be said that in all of our research, we were unable to find an opposition effort as extensive, detailed and well-supported as the one before you now. Indeed, even your Special Counsel has stated that the record as it stands is more than sufficient to support a denial of this application. The record in opposition is supported by significant expert testimony and contains sufficient substantial evidence for this Board to feel confident and comfortable that a denial of this application is rationally based. PCS respectfully requests that this Board exercise its discretion in favour of this community in denial of the instant application.

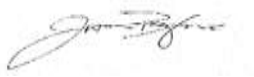
If for whatever reason the Board is hesitant to deny the application for fear of subsequent litigation, the Board must know that this community will stand in solidarity and support behind it. Fear of litigation should not be the basis for approval of the instant application. Litigation may come with risk and uncertainty, but the Board can be certain of this community's support, as well as the strength of the opposition on the record that will serve as the foundation and rationally based justification for this application's denial. Given the extensive and well-supported opposition on the record, the Board should not hand this application to the Applicant. Rather, if the Applicant ultimately is to secure a right to construct a cell tower on Rockledge, which is anything but assured, let that right come as a result of judicial scrutiny of the record, not as a result of the Applicant's imposition of fear and intimidation.

Finally, PCS asks the Board to consider the entirety of the record before it in making its decision. Consider the litany of the Applicants' contradictions, misstatements, misapplications of the law, omissions and unexplained reversals of position that are so replete throughout this record. Indeed, much of the expert evidence initially submitted in support of this application has since been contradicted by subsequent submissions. In some respects, the original application is unrecognizable. Weigh that against the well-reasoned, well-supported and good faith opposition before you.

For all the reasons stated herein, and based on the substantial evidence on the record, PCS respectfully requests that the application for an information services wireless facility as proposed, be denied in its entirety.

Sincerely,

PCS

A handwritten signature in black ink, appearing to read "Jason Biafore", is written over a light gray rectangular background.

By: Jason Biafore

Exhibit ‘A’



April 16, 2018

Zoning Board of Appeals
Planning Board
Village of Nelsonville
258 Main Street
Nelsonville, New York 10516

RE: Homeland Towers Application for alternate tower facility designs at Rockledge Road

To Nelsonville Board of Appeals and Zoning Board,

Thank you for your work on our behalf to protect the landscape of this historic and beautiful resource in our community.

I have reviewed proposed alternative cell phone facility designs including the 125' obelisk; the 120' flagpole, the double 110' flagpoles and the single 110' flag pole. In my professional opinion these options have a significant visual impact on the landscape. The landscape is a unified environment with the treeline creating a horizontal line in the sky. Each of these elements stands significantly above the existing treeline. I would pose that the designs are the opposite of "stealth" and actually stand out as a unique feature in the landscape.

It is a common idea in landscape design that if you would like to have something stand out as a feature it needs to be unique in one or more of its characteristics. In this case it looks like the cell towers are the most significant feature in each rendering. They not only stand well above the horizontal line created by the treeline, but they are also unique in height, shape and material. The proposed alternatives look like an "homage" to the cell tower.

I strongly urge you to reject these proposals as they are anything but insignificant. They are both unsightly and out of place in this landscape.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin J. Muir". The signature is fluid and cursive, with a large, stylized "E" and "M".

Erin J Muir
Principal Landscape Architect
The Figure Ground Studio Architecture and Landscape Architecture, PLLC
Cold Spring, New York 10516



April 16, 2018

Zoning Board of Appeals
Planning Board
Village of Nelsonville
258 Main Street
Nelsonville, New York 10516

RE: Homeland Towers Application for alternate tower facility designs at Rockledge Road

To Nelsonville Board of Appeals and Zoning Board,

Thank you for your work on our behalf to protect the landscape of this historic and beautiful resource in our community.

I am writing to express my dismay at the proposed alternate designs for the proposed tower facilities at Rockledge Road. As a licensed architect and design professional, I find it unconscionable that these proposed designs would be foisted on our community with the suggestion made that they are in any way in keeping with the historic and bucolic nature of the Cold Spring Cemetery and its historically significant structures and landscape.

If we allow such monstrosities to tower over our landscape and historic structures – and to mar vistas from surrounding hills and valleys – we will have lost what so many of our forebears- design professionals, community members, and civic leaders – have worked dearly to create and protect.

I urge you to reject these alternative designs and this tower location on the grounds that the alternative designs are not in keeping with the historic and bucolic characteristics of the Cold Spring Cemetery and its environs.

Sincerely,

A handwritten signature in black ink, appearing to read "Ethan L. Timm", with a long, sweeping horizontal line extending to the right.

Ethan L. Timm
Principal Architect
Cold Spring, NY

Page 1 of 1

The Figure Ground Studio Architecture and Landscape Architecture, PLLC

Exhibit ‘B’

The New York Times <https://nyti.ms/298QFop>

ARCHIVES | 1993

New Orleans to Remove Obelisk Revered by White Supremacists

By FRANCES FRANK MARCUS and

The New Orleans City Council voted today to banish from city streets a gray granite obelisk commemorating an 1874 uprising of whites against Louisiana's biracial Reconstruction government.

In recent years the monument has been used as a rallying point by David Duke and the Ku Klux Klan, making it a symbol of white supremacy and an embarrassment to the city.

Immediately after a public hearing today, the Council voted 6 to 1 to declare it a nuisance and have it taken to a warehouse until the city can find an indoor museum setting for it. Blacks, who make up 62 percent of the city's population, have long argued that the monument is an affront to most of the city's residents.

After the vote, civil rights advocates said the monument should be removed immediately. But there are legal roadblocks, including a Federal court case that brought the obelisk out of four years of storage last February. The case was brought by a supporter of Mr. Duke.

The 25-foot obelisk, known as the Liberty Monument, was erected in 1891 to commemorate the Battle of Liberty Place, in which white Democrats rose up against the white and black Republicans who governed Louisiana during Reconstruction. It stood prominently on the city's main shopping thoroughfare until 1989, when it was removed for street work. Since coming out of storage, the obelisk has stood on a weedy patch at the edge of the French Quarter, beside a parking lot and behind the city's new aquarium.

3 James Logan, a New Orleans lawyer and preservationist, warned the city against removing the monument.

ARTICLES REMAINING

SIGN UP

Subscriber login

<https://www.nytimes.com/1993/07/16/us/new-orleans-to-remove-obelisk-revered-by-white-supre...> 4/16/2018

But the Rev. Marie Galatas, a civil rights advocate, threatened, "If little grandmothers have to go out and chop it down, we will do it."

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A version of this article appears in print on July 16, 1993, on Page A00010 of the National edition with the headline: New Orleans to Remove Obelisk Revered by White Supremacists.

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3

ARTICLES REMAINING

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<https://www.nytimes.com/1993/07/16/us/new-orleans-to-remove-obelisk-revered-by-white-supre...> 4/16/2018

The New York Times <https://nyti.ms/2pdsxqd>

U.S.

New Orleans Begins Removing Confederate Monuments, Under Police Guard

By CHRISTOPHER MELE APRIL 24, 2017

New Orleans on Monday began removing four monuments dedicated to the era of the Confederacy and its aftermath, capping a prolonged battle about the future of the memorials, which critics deemed symbols of racism and intolerance and which supporters viewed as historically important.

Workers dismantled an obelisk, which was erected in 1891 to honor members of the Crescent City White League who in 1874 fought in the Reconstruction-era Battle of Liberty Place against the racially integrated New Orleans police and state militia, Mayor Mitch Landrieu said in a **statement**.

The monument, which was sometimes used as a rallying point by David Duke and the Ku Klux Klan, has stirred debate for decades. Local leaders unsuccessfully tried to remove it in 1981 and 1993.

The workers were dressed in flak jackets, helmets and scarves to conceal their identities because of concerns about their safety. Police officers watched from a nearby hotel.

Pieces of the 15,000-pound monument were put on a truck and hauled away.

2

ARTICLES REMAINING



MY OPTIONS

Subscriber login

<https://www.nytimes.com/2017/04/24/us/new-orleans-confederate-statue.html>

4/16/2018

Other monuments expected to be removed include a **bronze statue of Gen. Robert E. Lee** in a traffic circle, named Lee Circle, in the city's central business district since 1884; an equestrian statue of P.G.T. Beauregard, a Confederate general; and a statue of Jefferson Davis, the president of the Confederacy.

Citing security risks and threats to contractors seeking to do the work, the city would not reveal details about the removal of the other statues. The four monuments will be stored in a city-owned facility "until they can be moved to a new location where they can be placed in proper context," said Tyronne B. Walker, a city spokesman.

The monuments were erected decades after the Civil War ended by people who wanted to demonstrate that the South should feel no guilt in having fought the war, the mayor's statement said.

"The removal of these statues sends a clear and unequivocal message to the people of New Orleans and the nation: New Orleans celebrates our diversity, inclusion and tolerance," Mr. Landrieu said. "This is not about politics, blame or retaliation. This is not a naïve quest to solve all our problems at once. This is about showing the whole world that we as a city and as a people are able to acknowledge, understand, reconcile — and most importantly — choose a better future."

The debate over Confederate symbols has taken center stage since nine people were killed **at a black church in South Carolina** in June 2015. South Carolina **removed the Confederate battle flag**, which flew at its State House for more than 50 years, and other Southern cities have considered taking down monuments.

Harcourt Fuller, an assistant professor of history at Georgia State University in Atlanta, and a scholar of national and regional symbolism, said in an email that supporters of the monuments see them as part of their "historical and cultural legacy that needs to be maintained and protected.

"We're talking largely about these concrete symbols," he added. "By themselves, they're lifeless. They're not living symbols. But we as citizens project our own historical values onto them."

2
ARTICLES REMAINING

SEE MY OPTIONS

Subscriber login

The Liberty Place monument, which was 35 to 40 feet tall, commemorated a violent uprising by white Democrats against the racial integration of the city's police force and the Republicans who governed Louisiana. The White League **won the battle** and forcibly removed the governor, but federal troops arrived three days later to return the governor to power.

The battle remained an important symbol to those who resisted Reconstruction, the period of transforming Confederate states after the Civil War. From 1932 until 1993, the monument bore a plaque that said, in part, that the "national election of November 1876 recognized white supremacy in the South and gave us our state," the city statement said.

In 1993, the City Council **voted to remove the obelisk**, but instead the plaque was covered with a new one that read: "In honor of those Americans on both sides who died in the Battle of Liberty Place" and called it "a conflict of the past that should teach us lessons for the future."

It was once prominently perched in a main shopping area, but was relegated to a spot at the end of the French Quarter when it was removed for street work in 1989.

After moving the statues into storage, New Orleans will seek a museum or other site to house them. The city said it raised more than \$600,000 in private funding to relocate the statues.

The opposition to the monuments' removal — expressed in op-ed articles, social media posts and shouting at public meetings — was vigorous. A group opposing their removal said it had **collected 31,000 signatures** for a petition.

Demonstrators gathered for a **candlelight vigil** on Monday as workers removed the Liberty Place monument.



2
ARTICLES REMAINING

Subscriber login

Robert Bonner, 63, who said he was a Civil War re-enactor, protested the monument's removal. "I think it's a terrible thing," he told The A.P. "When you start removing the history of the city, you start losing money. You start losing where you came from and where you've been."

The removal happened on **Confederate Memorial Day**, which is formally observed by Alabama and Mississippi to commemorate those who died in the Civil War.

In December 2015, the **City Council** voted 6 to 1 to take the statues down. In January 2016, a **federal judge dismissed an attempt** by preservation groups and a chapter of the Sons of Confederate Veterans to stop their removal.

An organization dedicated to preserving monuments in New Orleans, the **Monumental Task Committee**, opposed removing the statues.

In a statement on Monday, Pierre McGraw, the group's president, said the removal process had been "flawed since the beginning" and that the use of unidentified money reeks of "atrocious government."

"People across Louisiana should be concerned over what will disappear next," the statement added.

Professor **Robin A. Lenhardt**, a law professor at of the Center on Race, Law and Justice at Fordham Law School, said in an email that city officials should be concerned about where to go from here.

"Simply to remove the statutes without a plan for community engagement and discourse would be a mistake, a real missed opportunity," she wrote.

Daniel Victor contributed reporting.

A version of this article appears in print on April 25, 2017, on Page A11 of the New York edition with the headline: Dismantling a Monument. Under Guard.



Confederate veterans cemetery monument in Hastings-on-Hudson draws concerns

Michael P. McKinney, mmckinney@lohud.com Published 12:14 p.m. ET Aug. 18, 2017 Updated 2:08 p.m. ET Aug. 18, 2017



(Photo: Michael P. McKinney/The Journal News)

HASTINGS-ON-HUDSON - Greenburgh Supervisor Paul Feiner has written to the president of a local cemetery association after some residents expressed concerns about a tie to the past: a roughly 60-foot-high, obelisk-shaped monument to Confederate veterans.

The memorial, a kind of marker to where more than 40 Confederate veterans who came north after the war are buried in the privately-run Mount Hope Cemetery, "honors soldiers who believed in the supremacy of the white race," Feiner wrote to the cemetery in a letter this week.

He said the residents "believe that the monument should be removed or the wording honoring the Confederate soldiers on the monument should be removed."

Feiner, saying that this New York City suburb takes pride in being progressive and diverse, asked Theresa Joyce, the cemetery association president, whether she would "consider this suggestion — in light of what is happening nationally?"

[Greenburgh officials mull new uses for office space \(/story/news/local/westchester/greenburgh/2017/07/10/greenburgh-new-uses-office-space/443483001/\)](#)

[Greenburgh fails to stymie Edgemont incorporation in Albany \(/story/news/2017/06/21/greenburgh-edgemont-incorporation/413626001/\)](#)

[Fire destroys abandoned Hastings boat club \(/story/news/local/2017/08/05/reports-fire-hastings-boat-club/543907001/\)](#)

The town has no decision-making power over the monument, Feiner said, because it is privately operated. He said he also sent the letter to the state NAACP, seeking advice about the monument.

As of Friday morning, Joyce said she had not seen Feiner's letter, and could not comment on it until she has. She said there is a distinction between a private cemetery "whose gravestones are not installed nor owned by the cemetery and a statue or plaque of a military figure in a public place."

"In the 120 years since the burial ground was dedicated there has not been any criticism nor calls for its alteration," Joyce said.



Mount Hope Cemetery (Photo: Michael P. McKinney/The Journal News)

Joyce said she did not know if there are graves of other Confederate soldiers in the New York region, but would think that there are, and that there could be Confederate veterans buried elsewhere in Mount Hope Cemetery.

Monuments to Confederates during the Civil War, long contentious in other parts of the country, have fallen under renewed scrutiny nationally — plans to remove a statue of Gen. Robert E. Lee from a public park fueled bloody confrontations in Charlottesville, Va.

The obelisk in the Hastings-on-Hudson cemetery likely wouldn't make anyone think of a Confederate monument as they passed by it. Shorter obelisks are short distances from it. Gravestones blanket the hills. And there's no obvious Confederate symbol — from a distance or up close. An inscription on one side of the obelisk says: "Sacred to the memory of the Heroic Dead of the Confederate Veteran Camp of New York."

Hastings-on-Hudson Mayor Peter Swiderski said the village has no decision-making power over a monument on private property, "so this is not comparable to the wave of controversies elsewhere in the country."

He noted that restoration work at the plot had been done in recent years by the Sons of Union Veterans organization, which "should give an indication of its role. Its role is a marker for the dead."

More than 40 gravestones that encircle the obelisk mostly belong to Confederate soldiers who didn't die in battle. After the war, they were veterans who made their way north to live in the area. A close look at the top of the stones bears words such as "21st Alabama Artillery."

There's Gen. Thomas Jordan, who fought alongside Gen. P. G. T. Beauregard and went on to found the Financial and Mining Record in New York.

There's Eugene H. Levy, one of the Jewish soldiers who fought for the Confederate States, and later ran a book shop in New York.

And there's Gen. Elwin Selva, believed to be New York's last surviving Confederate veteran when he was fatally struck by a taxi in 1930.

As the story is told in documents at the Hastings-on-Hudson Historical Society, some Southerners who moved to the New York area after the war formed benevolent associations and other groups. One of those, the New York Camp of the United Confederate Veterans, bought a 400-square-foot plot in the Mount Hope cemetery.

The obelisk monument — paid for by a Confederate soldier and Virginia merchant who moved to New York after the war — was dedicated in 1897, according to the society.

On one side of the obelisk is an inscription:

"Fold up the banners! Smelt the guns!

Love rules, her gentler purpose runs.

<https://www.lohud.com/story/news/2017/08/18/confederate-veterans-cemetery-monument-hastings-on-h...> 4/16/2018

Exhibit 'C'

Looking Back: The Local Klan

By Chip Rowe on August 25, 2017 - 11 Comments

In 1920s, KKK's reach extended into Highlands

By Chip Rowe

The Ku Klux Klan, which has been in the news lately, had its heyday in the 1920s, following the social upheaval of World War I. Although there was pushback from millions of Americans, white supremacists were embraced, or at least tolerated, in many places in New York state, including the Highlands, and across the country.

The Klan presented itself as a patriotic, fraternal organization while targeting Catholics, Jews, immigrants and blacks, in that order. According to social historians, its rhetoric was appealing to dispossessed white Americans who longed for a simpler time when everyone "knew their place."

At its peak in 1924, the Klan had 6 million members. By 1930, that had dwindled to 30,000 (today it is 3,000 to 6,000, in about 190 chapters). Historians generally blame corruption within the organization and exposure of its hypocrisy by newspapers and civil-rights activists for the sharp decline. Here are news items gleaned from local newspapers from the time:

Sept. 23, 1921

The Republican County Committee, led by U.S. Rep. Hamilton Fish, met in Carmel to adopt its platform, which included a resolution denouncing the Klan as "un-American" because of its campaign to "to arouse religious and racial hatred." The resolution also urged "drastic state and national legislation to suppress its pernicious activities which threaten to undermine the Constitution and respect for law and order." (*Putnam County Courier*)

June 30, 1923

After a 12-foot cross was lit on Burned Hill at 11 p.m. at the conclusion of the annual firemen's parade, the *Daily Herald* asked, "Has Beacon a branch of the Ku Klux Klan?" Newburgh is said to have about 600 members, but the paper concluded Beacon residents were joining the Peekskill branch.

Dec. 5, 1923

A burning cross visible atop Bull Hill is thought to have been placed either by "the ridiculous Ku Klux Klan" or pranksters. (*Cold Spring Recorder*)

April 1, 1924

During a Sunday evening service at First Methodist Church in Cold Spring, a dozen hooded Klan members marched into the sanctuary double-file and silently presented a purse with \$50 in gold to the Rev. Jonas Inman. He declined to accept it unless the men removed their robes and presented the offering as "plain citizens." Instead, the Klansmen re-formed their double column and marched out. (*The Evening Star*, Peekskill)

HOODED KLANSMEN PAY VISIT TO COLD SPRING CHURCH; PURSE OF GOLD IS REFUSED BY THE PASTOR

Rev. Jonas Inman Tells Klansmen He Will Accept Their Token If They Disrobe But Can Not Accept If Anonymously—Congregation of Four Hundred Present As Visit Is Made On Sunday.

NO DEMONSTRATION AS KLANSMAN MARCH TO THE PULPIT

Robed Figures Line Up Before the Pulpit and Extend An Envelope Which Pastor Declines—Pastor Preaches Farewell Sermon to His People—To Be Assigned New Charge By Conference.

Beacon Daily Herald, March 31, 1924

July 17, 1926

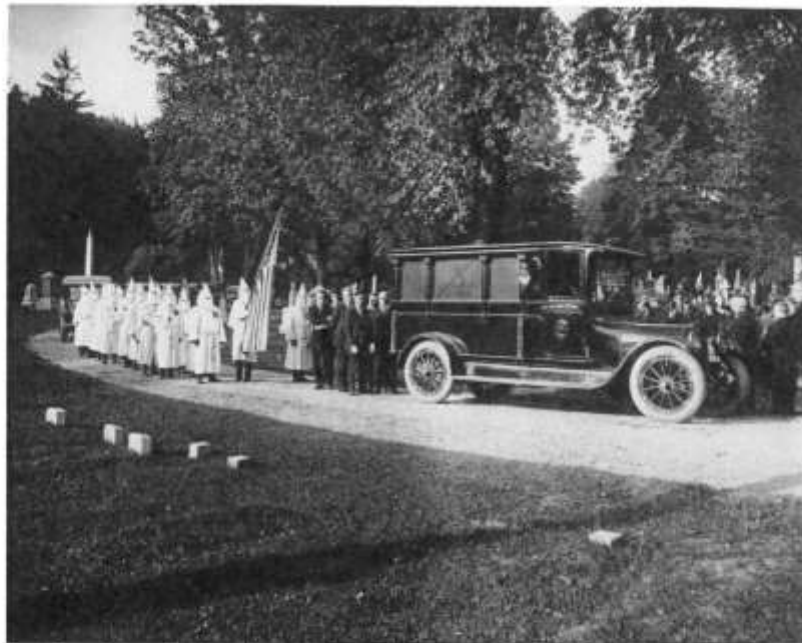
As many as 7,000 people assembled for the second annual outing organized by Peekskill Klan No. 203. Armed with baseball bats, Klansmen patrolled the boundaries of the event. (*The Highland Democrat*, Peekskill)

July 26, 1926

Four hundred robed Klansmen gathered near the former motorcycle race course at the upper end of East Main Street in Beacon, where at 9:30 p.m. they burned a 25-foot cross and heard addresses by men "thought to be high officers in the order" while hundreds of spectators looked on. The state police directed traffic. (*Beacon Daily Herald*)

July 15, 1927

The Klan organizations of Westchester, Putnam and Dutchess counties scored a coup by convincing Imperial Wizard Hiram Wesley Evans to speak at the annual outing near Peekskill. The Klan claimed 24,000 men, women and children were in attendance, although a reporter estimated the crowd at closer to 10,000. Highlights included a drill by the Klan Auxiliary of Beacon and another by 1,000 white-robed figures. The day ended with fireworks. (*Putnam County Courier*)



A funeral procession for a Klan member at Cold Spring Cemetery in the 1920s (New York Public Library)

Sept. 14, 1927

B. Cohen, the manager of Camp Nitgedaiget in Beacon, received a letter signed "Ku Klux Klan" demanding the Jewish resort leave town. (*Cold Spring Recorder*)

Aug. 31, 1928

In a straw poll held in Nelsonville, "where Klan sentiment is high," there were seven votes for Al Smith, the Democratic candidate for U.S. president (and a Catholic), and 53 for incumbent Herbert Hoover. (*Putnam County Courier*)

July 17, 1931

Handbills promised to have 10,000 parking spaces available for the annual field day near Peekskill and asked, "Who said the Klan was dead?" (*Putnam County Courier*) Apparently many people had reached that conclusion.

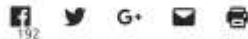


Looking Back: The Local Klan added by **Chip Rowe** on August 25, 2017

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Exhibit 'D'

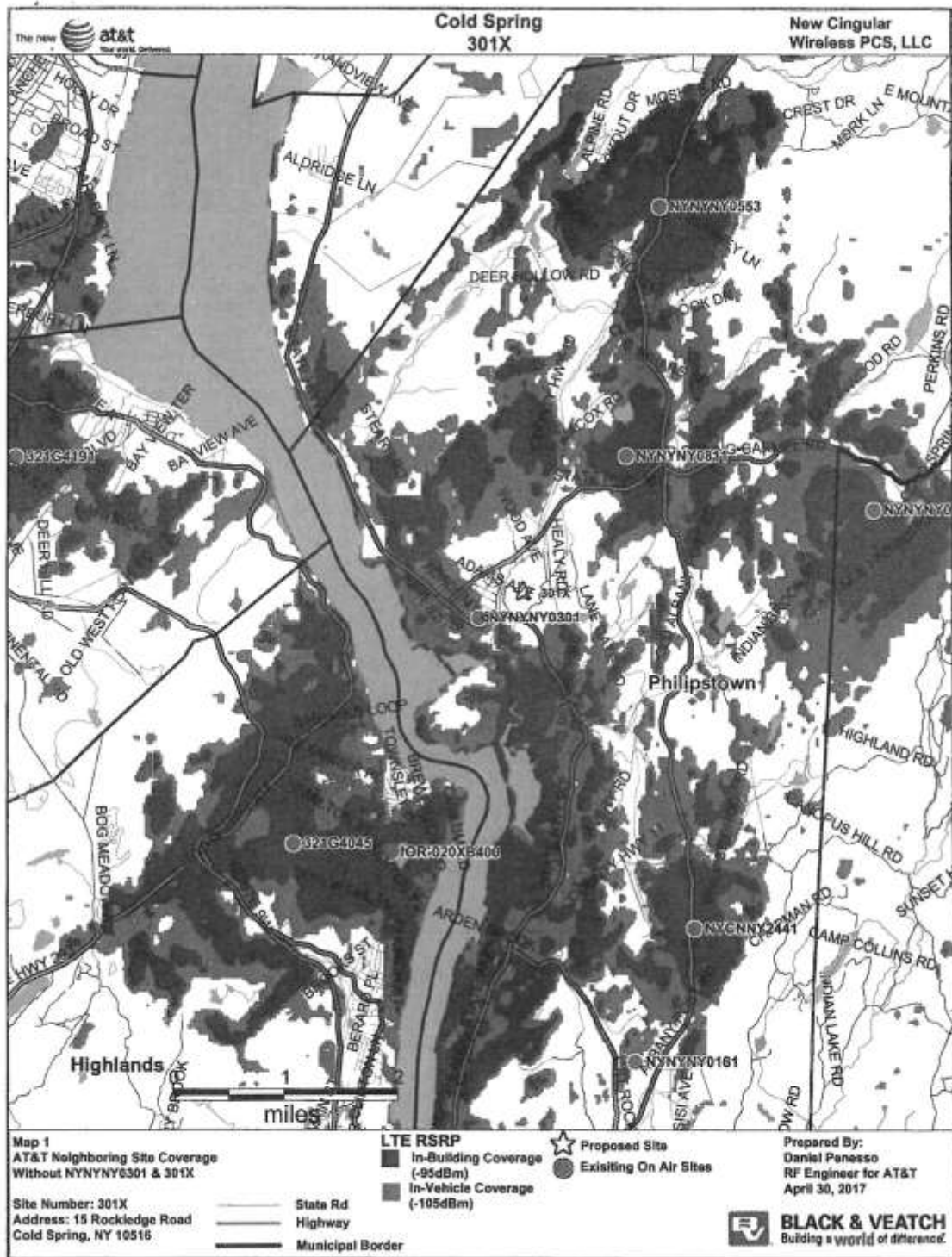


Exhibit 'E'

STATE OF NEW YORK, COUNTY OF PUTNAM
NELSONVILLE ZONING BOARD OF APPEALS

-----X

In the Matter of:

ATTORNEY AFFIRMATION

An Application by Homeland Towers, LLC,
for a Special Use Permit to Install a Telecommunications
Tower at 15 Rockledge Road, Nelsonville, NY.

-----X

JASON BIAFORE, an attorney duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury as follows:

1. I am a member of the community group Philipstown Cell Solutions (hereinafter "PCS") in opposition to the herein application of Homeland Towers, LLC, (hereinafter "the Application"), I am over 18 years of age, a non-party to the instant matter and I am familiar with the facts as stated below.
2. I make this Affirmation in support of PCS's opposition to the Application and for a Decision and Resolution of the Nelsonville Zoning Board of Appeals:
 - a. denying the Application in its entirety; and,
 - b. granting such other relief as this Board may deem just and proper.
3. On the evening of Wednesday, February 14, 2018, I personally attended a public meeting of the Cold Spring Historic District Review Board (hereinafter the "HDRB"), being held at the Cold Spring Village Hall located at 85 Main Street, Cold Spring, NY 10516. The purpose of my attendance was to observe the HDRB's discussion and pending decision to approve a redesign of the Butterfield Senior Center project (hereinafter the "Project"), located at the former Butterfield Hospital site on Chestnut Street in Cold Spring, to accommodate a cell phone telecommunications facility similar to what existed previously at the old Butterfield Hospital site.
4. At this public meeting, I observed the agents for the Project's developer, Unicorn Contracting Corporation (hereinafter the "Agent(s)," the "Developer," or "Unicorn"), present

modified building site plans and discuss their proposal to revert the plans for Building 3 of the Project to their original design which includes a larger and redesigned roofline cupola, for the express purpose of accommodating a cell phone telecommunications facility. (See Copy of Building 3 Building Plans obtained directly from the Cold Spring Village Clerk, Attached at Exhibit 'I' to this Affirmation).

5. The discussion between the Agents and the HDRB members pertained to the specific dimensions and general design features of the cupola as it related to the incorporation of the cell phone telecommunications facility. The Agents detailed that the design was essentially a reversion to the original design proposed, which had previously received HDRB approval, and which had also originally been designed to include a cell phone telecommunications facility.

6. I observed the HDRB members asking the Agents why they were seeking approval of the reversion to the original design to include the cell phone telecommunications facility. I observed the Agents reply directly to the HDRB members that the Developer had been approached by cell phone carriers and state that the cell phone telecommunications facility was now "back on the table." The Agents made it clear on the record that interest had been expressed to the Developer by cell phone carriers to operate a facility within the Project, and as such the Developer was prepared to expend the time and resources to redesign the Project plans in accordance with cell phone carrier needs and in keeping with HDRB design requirements to meet HDRB approval.

7. I further observed the HDRB members ask additional questions pertaining to the roofline generally and discuss amongst themselves the acceptability of the overall design, including the redesigned cupola and its incorporation of the cell phone telecommunications facility.

8. I further observed the HDRB call a vote on the Project redesign proposal to incorporate a design feature of the roofline cupola and its incorporation of a cell phone telecommunications facility, and I observed that the HDRB voted to approve the proposal unanimously.

9. Following the end of this portion of the HDRB meeting, I personally approached the Agents outside the hearing room to ask about additional details pertaining to the Project generally, and the cell phone telecommunications facility specifically.

10. I personally asked the Agents if they knew which cell phone carriers had approached the Developer and how many carriers would be accommodated in the facility. The Agents replied that were not sure exactly which carriers had expressed interest, though they assumed it might be the same carrier as was at the old site. The Agents did tell me with certainty that the Developer had been approached and their design plans were changing because the cell phone facility was "back on the table." The Agents also told me with certainty that the facility would be able to accommodate at least two cell phone carriers. The Agents provided me with a direct telephone number to the Developer's main office and encouraged me to call directly to confirm the identity of the carriers who had approached the Developer and that would be located at the facility.

11. I further personally asked the Agents what the construction timeline for the Project was generally, and if they knew how long it would be before the Building 3 of the Project would be completed. The Agents replied earnestly that they were merely waiting for the weather to improve to begin foundation preparations with construction to ensue shortly thereafter. The Agents exclaimed that they were hopeful to begin this work within a few weeks with the building's completion being forecast for later this summer, 2018.

12. In the days and weeks following the February 14, 2018 HDRB meeting, I have personally observed the progress of construction at the Project site to determine the accuracy of the Agents' claims with regard to the stated construction schedule. By the beginning of March 2018, I personally observed at the Project site heavy construction machinery such as backhoes and bulldozers which had not previously been located there. Further, I have personally observed increasing quantities of construction materials (particularly those related to foundation construction such as large-sized gravel for grading and drainage, steel reinforcing rods and dirt fill) being brought to the site. In addition, I have personally observed construction workers operating this heavy machinery and constructing foundation molds. These activities on the Project site confirm the claims made by the Agents at the February 14, 2018 HDRB meeting, and support their veracity. (See Copies of Project Construction Site Photographs Taken on or About April 10, 2018, Attached at Exhibit 'II' to this Affirmation).

13. Upon information and belief, the Village of Cold Spring does not have special Zoning Code provisions relating to the application and approval of cell phone

telecommunications facilities beyond the standard application procedures applicable to any special use permit application, and the HDRB approval noted above.

WHEREFORE, your affiant respectfully requests that the Board enter a Decision and Resolution denying the instant application in its entirety, and granting such other and further relief as this Board may deem just, equitable, and proper.

DATED: New York, New York
April 12, 2018

Yours etc.,

JASON BLAFORE, ESQ.

A handwritten signature in black ink, appearing to read "Jason Blafore", written over a horizontal line.

TO: Honorable Chairman William Rice,
Nelsonville Zoning Board of Appeals, and
Planning Board
Village of Nelsonville
258 Main Street
Nelsonville, NY 10516

Exhibit ‘I’

Butterfield Realty, LLC
10 Julia Lane , Suite 101
Cold Spring, NY 10516
815-809-5969

2/21/2018

To: VCS HDRB – Al Zgolinski, Chairman
From: Matt Moran
Re: Butterfield Redevelopment - Building 3

Summary: Revisions to the original approval. Drawings attached are the final re-approved on 2/14/18. Previous approved and 2/14/18 approval drawings attached (3 sets) and noted and dated as instructed.

FILE

Village of Cold Spring Historic District Review Board

85 Main Street, Cold Spring, New York 10516 (845) 265 3611

NOTICE

Date: March 4, 2018

Address: 51 Paulding Avenue

Tax ID No.:

Applicant: Butterfield Realty, LLC
10 Julia Lane, Suite 101
Cold Spring, NY 10516

Action: On February 14, 2018 the HDRB approved changes to the facades of Building #3 (originally issued Certificate of Appropriateness, May 14, 2015) as shown in the attached drawings and sketches marked "Approved" and dated 2/14/18.

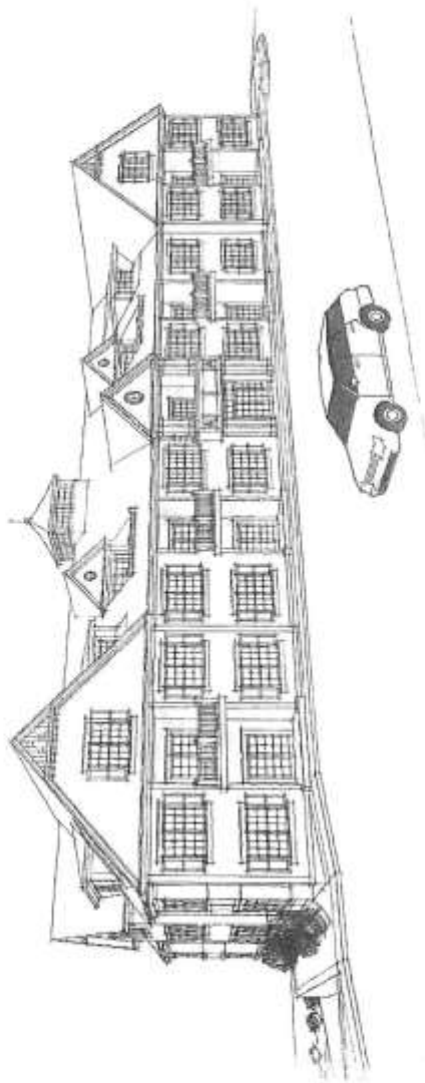


A. G. Zgolinski
Chairman

Cc: Building Inspector
Applicant

Building Department Reference No.: NA

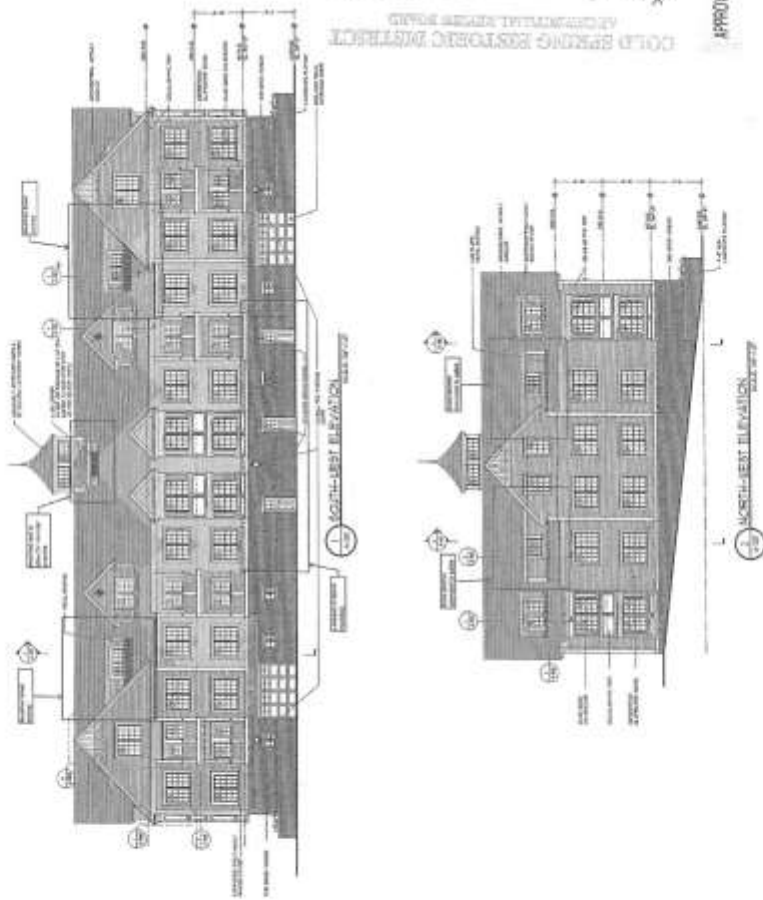
Albert G. Zgolinski, Chair; Kathleen E. Foley, Vice Chair
Members: Carolyn Bachan, Andrea Connor, Sean Conway



BUTTERFIELD BUILDING #5
FRONT ELEVATION W/ CUPOLA
03/02/16

106-A-201 SHEET NO. PROJECT NO. DATE		THE SULLIVAN ARCHITECTURAL GROUP 1000 1/2 STREET, SUITE 100 ST. LOUIS, MO 63102 TEL: 314.436.1000 FAX: 314.436.1001 WWW.SULLIVANARCHITECTS.COM	BUILDING 3 1700 WEST WILSON ST. ST. LOUIS, MO 63103	BLDG. 3 ELEVATIONS EXTERIOR ELEVATIONS IN 3/4" = 1'-0"
--	--	--	---	---

APPROVED 2/14/16
 [Signature]
 ARCHITECT
 [Signature]
 2/14/16
 APPROVED BY
 CITY OF ST. LOUIS
 DEPARTMENT OF PLANNING AND DEVELOPMENT
 1700 WEST WILSON STREET



VILLAGE OF COLD SPRING
HISTORIC DISTRICT REVIEW BOARD
MONTHLY MEETING

WEDNESDAY, FEBRUARY 14, 2018 AT 8:00PM
BUTTERFIELD LIBRARY, 10 MORRIS AVENUE, COLD SPRING

The Village of Cold Spring Historic District Review Board will hold its monthly meeting at 8:00pm on Wednesday, February 14, 2018. The agenda includes the following items; all items may not be called, or may not be called in order.

times provided are estimates

OLD BUSINESS

- 8:00pm 66 Main Street (The General Store), Nationally-listed area of the Historic District
- a. SEQR classification
 - b. Façade and blade mounted signage; removal of window AC unit and replacement of window glass
- 8:15pm Butterfield Redevelopment, Building 3 (Unicorn Contracting), Locally-listed area of the Historic District
- a. SEQR classification
 - b. Modification of entrance doors; roofline modifications: gables, headroom for elevator shaft, and cupola to accommodate cellular equipment

NEW BUSINESS

- 8:45pm Butterfield Redevelopment, Building 2 (Baxter Building Corp), Locally-listed area of the Historic District
- a. SEQR classification
 - b. Modification of west side street level windows & doors to accommodate lower vents

WORKSHOP

- 9:10pm 126 Main Street (SCGY Properties), Nationally-listed area of Historic District
- a. Discussion of design options and materials specifications for redevelopment proposal
- 9:45pm 20 The Boulevard (the Komble House), Nationally-listed area of the Historic District
- a. Discussion of design options for rehabilitation of structure
- 10:20pm 2 Main Street (Hudson House), Nationally-listed area of the Historic District
- a. Discussion of design alternatives for rear addition

BOARD BUSINESS

- 10:45pm Status update: 35 Market Street (including correspondence)
Escrow and invoice review/approval
Discussion of Chapter 64 status
Design Standards Update status
Minutes

As of 2/9/18

Exhibit ‘II’











Exhibit 'F'

Village of Cold Spring
Historic District Review Board
85 Main Street, Cold Spring, New York 10516
Workshop Meeting
2-14-18

The Village of Cold Spring Historic District Review Board held a meeting at the Cold Spring Village Hall, 85 Main Street on Wednesday February 14, 2018.

Members Present: Chair Al Zgolinski, Vice Chair Kathleen Foley and members: Sean Conway, Carolyn Bachan, Andrea Connor. The meeting was called to order at 8 pm.

OLD BUSINESS

66 Main Street (The General Store). Nationally-listed area of the Historic District 48.12-2-22: SEQR classification and façade and blade-mounted signage, removal of window AC unit and replacement of window glass.

- Craig Muraszewski (applicant) noted that:
 - He has responded to all previous HDRB comments
 - The new moldings will match existing
 - Blade sign to be fabricated from ¾" plywood coated in plastic (and sealed) with crimped metal trim.
- C. Bachan made a motion to declare the project SEQR Type II (minor modifications only.) K. Foley seconded, and the motion passed unanimously.
- K. Foley made a motion to accept the application. C. Bachan seconded and the motion passed unanimously.

Butterfield Redevelopment, Building 3 (Unicorn Contracting). Locally-listed area of the Historic District. Modification of entrance doors, roofline modifications: gables, headroom for elevator shaft and cupola to accommodate cellular equipment.

- Applicant presented updated drawings showing modifications listed above. In previous workshop sessions a reduction in the size of the cupola was discussed, but because cell equipment will again be housed in the structure, the size will remain as approved in 2015. The Board therefore considered that portion of the application unchanged.
- HDRB requested applicant to resubmit drawings with changes "bubbled" for clarity.
- S. Conway made a motion to accept the proposed changes. A. Connor seconded, and the motion passed unanimously.

NEW BUSINESS

Butterfield Redevelopment, Building 2 (Baxter Building Corp), locally-listed area of the Historic District. Modification of west side street level windows and doors to accommodate louver vents.

- Applicant described proposed work and presented updated drawings.
- S. Conway made a motion to declare the project SEQR Type II (minor modifications). K. Foley seconded, and the motion passed unanimously.
- C. Bachan made a motion to accept the proposed modifications as submitted. A. Connor seconded, and the motion passed unanimously.

11 High Street (K. Gaugler), locally-listed are of the Historic District 48.8-5-20: SEQR classification and installation of fence in side yard and re-installation of rear deck.

- HDRB concerned that the lack of construction details prevents a proper assessment of the final appearance.
- Applicant to provide: construction drawings and details, the quantity of deck footings and finish details.
- HDRB has no objection to deck rail design. Proposed deck railing will be very similar to the front porch railings next door at 15 High Street.
- Applicant to provide fence details (following village design guidelines) for HDRB review. HDRB suggested that fence posts be 5" x 5" with a cap.
- Applicant to prepare additional materials and return

WORKSHOP

126 Main Street. (SCGY Properties), Nationally-listed area of the Historic District. Discussion of design options and material specifications for redevelopment proposal.

- Karen Parks (architect for applicant) presented updated design options, plans, elevations and proposed material specifications.
- Parks noted that:
 - Applicant has spoken with neighbors about new fencing
 - Bollard lighting will be provided along the perimeter of the parking area.
 - Lanterns will be provided for the pathway (from the parking area to the building)
 - Applicant's goal is to provide requisite lighting without adverse impact upon neighboring properties
 - Front door to be wood.
 - Glazing with have simulated divided lights
- HDRB discussed the need for additional information from applicant in anticipation of the public hearing. Consensus is that no additional information is required.
- K. Foley expressed concern that the public may not understand that the HDRB has done its due diligence to explore all possible design options. Parks responded that she will present the design process at the public hearing.
- HDRB agreed that it has sufficient information to determine a Certificate of Authority.

20 The Boulevard (the Kemble House), Nationally-listed area of the Historic District 48.12-1-13: Discussion of design options for rehabilitation of structure.

- Applicant presented options for rehabilitation of structure, including plans and renderings
- HDRB noted that many previous comments have been incorporated.
- HDRB suggested increasing the size of the ground floor windows.
- HDRB discussed whether garage and addition should be separate structures
- Applicant requested a "to do" list of HDRB requirements.
- HDRB will release a copy of the EAF part 2 draft to allow applicant to proceed with preparation of part 3 of the EAF.

2 Main Street (Hudson House), Nationally-listed area of the Historic District. Discussion of design alternatives for rear addition.

- Sam Day (owner) described the proposed project that consists of an addition to the rear of the building to accommodate a new restroom.
- During discussions it was determined that the addition would be a one-story "bump-out".
- HDRB informed Day that plans, exterior elevations and roof vent details will be required with the application.
- Al Capelli is the applicant's architect.

MINUTES

- S. Conway made a motion to accept the 1-4-17 minutes as amended. A. Connor seconded, and the motion passed 3-0 with C. Bachan abstaining and A. Zgolinski absent.
- S. Conway made a motion to accept the 2-18-17 minutes as amended. A. Connor seconded, and the motion passed 4-0 with A. Zgolinski absent.
- C. Bachan made a motion to accept the 2-27-17 minutes as amended. A. Connor seconded, and the motion passed 3-0 with A. Zgolinski absent and S. Conway abstaining.
- S. Conway made a motion to accept the 4-2-17 minutes as amended. A. Connor seconded, and the motion passed 4-0 with A. Zgolinski absent.
- S. Conway made a motion to accept the 4-4-17 minutes as amended. C. Bachan seconded and the motion passed 3-0 with A. Zgolinski absent and A. Connor abstaining.
- S. Conway made a motion to accept the 6-28-17 minutes as amended. C. Bachan seconded and the motion passed 4-0 with A. Zgolinski absent.
- S. Conway made a motion to accept the 8-9-17 minutes as amended. C. Bachan seconded and the motion passed 4-0 with A. Zgolinski absent.
- A. Connor made a motion to accept the 9-20-17 minutes as amended. K. Foley seconded, and the motion passed 3-0 with S. Conway abstaining and A. Zgolinski absent.
- S. Conway made a motion to accept the 9-13-17 minutes as amended. A. Connor seconded, and the motion passed 4-0 with A. Zgolinski absent.
- S. Conway made a motion to accept the 10-11-17 minutes as amended. C. Bachan seconded and the motion passed 4-0 with A. Zgolinski absent.
- S. Conway made a motion to accept the 10-30-17 minutes as amended. C. Bachan seconded and the motion passed 4-0 with A. Zgolinski absent.

- S. Conway made a motion to accept the 11-8-17 minutes as amended. C. Bachan seconded and the motion passed 3-0 with A. Zgolinski absent and K. Foley abstaining.
- S. Conway made a motion to accept the 1-10-18 minutes as amended. A. Connor seconded, and the motion passed 3-0 with C. Bachan abstaining and A. Zgolinski absent.

BOARD BUSINESS

- Further discussion of Chapter 64 will await the village board's public hearing.
- Further work on village design standards will be postponed.
- HDRB budget has been submitted to the village treasurer.

ADJOURNMENT

K. Foley made a motion to adjourn the meeting. A. Connor seconded, and the meeting was adjourned at 11:30pm.

Submitted by M. Mell

A. Zgolinski, Chair

Date:

Exhibit 'G'

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Exhibit 'H'



















Exhibit ‘I’









Exhibit ‘J’



Notable Figures Buried in the Cold Spring Cemetery

- ❖ **Thomas Davenport**, first Cold Spring settler (born 1796)
- ❖ **Emily Warren Roebling** (born 1843) and husband **Washington A. Roebling**, construction engineers of the Brooklyn Bridge. "The dedication and hard work put into the construction of the Brooklyn Bridge by Emily Warren Roebling was noted by Congressman Abram S. Hewitt at the dedication ceremonies prior to the opening of the bridge. **Hewitt determined the Brooklyn Bridge to be, 'An everlasting monument to the self-sacrificing devotion of [this] woman'** and stated **'The name of Mrs. Emily Warren Roebling will thus be inseparably associated with all that is admirable in human nature.'** Due to her dedication to the construction of the bridge, Emily was the first to cross the Brooklyn Bridge after it opened on May 24, 1883." (source Roebling Museum)
- ❖ **Julia Butterfield**, Cold Spring patroness and widow of Civil War hero Daniel Butterfield (a Medal of Honor recipient and author of *Taps*)
- ❖ **Robert Parrott**, inventor of the Parrott Gun used in the Civil War; son of US Senator John Fabyan Parrott
- ❖ **James Bennett**, Spanish American War Congressional Medal of Honor Recipient (born 1851)
- ❖ **Chester A. Beach**, an American sculptor who was known for his busts and medallic art. He worked in New York, Paris, and San Francisco, and his marble sculpture *The Unveiling of the Dawn* appeared in New York's groundbreaking Armory Show in 1913, (born 1881)
- ❖ **Gouverneur Kemble** the "Patriarch of Cold Spring." A 2-term US Congressman from the 4th District of NY (Putnam, Dutchess counties). He established the West Point Foundry in Cold Spring. His portrait by Asher Brown Durand hangs in the National Gallery of Art in DC. (born 1786)

Exhibit 'K'















